

**TITLE 16. DENTAL BUREAU OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS**

NOTICE IS HEREBY GIVEN that the Dental Bureau of California, Department of Consumer Affairs (hereinafter "Department"), is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the:

Department of Consumer Affairs  
1<sup>st</sup> Floor Hearing Room  
2005 Evergreen Street  
Sacramento, California on

**March 25, 2009**

**9:00 a.m.**

Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Dental Bureau of California (hereinafter "Bureau") at its office not later than 5:00 p.m. on March 23, 2009 or must be received by the Bureau at the hearing. The Bureau, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Section 1614 of the Business and Professions Code, and to implement, interpret or make specific Section 11400.20 of the Government Code, the Bureau is considering changes to Division 10 of Title 16 of the California Code of Regulations as follows:

**INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

**Amend Title 16 of the California Code of Regulations, Section 1018**

Government Code Section 11400.20 allows an agency to adopt regulations to govern an adjudicative proceeding. The Bureau has not revised its Disciplinary Guidelines since 1996. The existing Disciplinary Guidelines are outdated and do not reflect current law. The existing Guidelines do not contain model language for probationary orders or the rationale for standard and optional conditions of probation that may be recommended. Section 1018 is amended to incorporate by reference the Disciplinary Guidelines as revised to include the model language, rationale and to

specify the factors that may be considered by the Administrative Law Judge when determining whether a dental license should be suspended, revoked or placed on probation.

These amendments will assist the Dental Bureau's Enforcement staff and the Attorney General's Office in pursuing enforcement actions against dental licensees who are in violation of the law to better protect consumers. The amended Disciplinary Guidelines will assist the Administrative Law Judge in determining the penalty to be imposed by providing clear recommendations and rationale so that dental licensees are prevented from practicing and consumers are protected from dental licensees who commit serious violations of the law.

### FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Sections 17500 - 17630 Requires Reimbursement: None

Business Impact:

The Bureau has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

### AND

The following studies/relevant data were relied upon in making the above determination:

These regulations will provide direction to administrative law judges who determine penalties for dentists, registered dental hygienists and registered dental assistants who have violated provisions of statutory law or regulations.

Impact on Jobs/New Businesses:

The Bureau has determined that this regulatory proposal will not have a significant impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business:

The Bureau is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Bureau has determined that the proposed regulations would not affect small businesses unless those small businesses were owned by dentists who have violated the statutes or regulations contained within the Dental Practice Act.

CONSIDERATION OF ALTERNATIVES

The Bureau must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Bureau has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Dental Bureau of California at 2005 Evergreen Street, Suite 1550, Sacramento, California 95815.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below **[or by accessing the website listed below]**.

### CONTACT PERSON

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name:	Donna Kantner
Address:	2005 Evergreen Street, Suite 1550 Sacramento, CA 95815
Telephone No.:	(916) 263-2300 x2211
Fax No.:	(916) 263-2140
E-Mail Address:	Donna_Kantner@dca.ca.gov

The backup contact person is:

Name:	Cathleen Poncabare, Executive Officer
Address:	2005 Evergreen Street, Suite 1550 Sacramento, CA 95815
Telephone No.:	(916) 263-2300
Fax No.:	(916) 263-2140
E-Mail Address:	Cathleen_Poncabare@dca.ca.gov

Website Access: Materials regarding this proposal can be found at [www.dbc.ca.gov](http://www.dbc.ca.gov).